

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

Case No.: 1:22-cv-20845

HENRY LEO JIMENEZ,

Plaintiff,

vs.

UNITED STATE OF AMERICA,

Defendant.

COMPLAINT

Plaintiff, HENRY LEO JIMENEZ, sues Defendant, UNITED STATES OF AMERICA, stating:

1. This is a claim against the UNITED STATES OF AMERICA pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671 - §2680.

2. This Court has exclusive jurisdiction over the matters alleged herein pursuant to 28 U.S.C. §1346(b) and §2671, *et seq.*

3. Venue is proper in the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. §1402(b) and §1346(b) because the events giving rise to these claims occurred in Homestead, Miami-Dade County, Florida.

4. Plaintiff has complied with the notice requirements of 28 U.S.C. §2675. *See* Form 95 attached hereto as **Exhibit “A”**.

5. Plaintiff, HENRY LEO JIMENEZ, presented his claim to the United States Postal Service (“USPS”) on August 31, 2021. *See* Form 95 (Exhibit “A”).

6. As of the date of this filing, the USPS has not made a final disposition of the Plaintiff’s claim.

7. USPS failed to make a final disposition of the Plaintiff's claim within six (6) months after the claim was filed. Therefore, Plaintiff is permitted to institute this action at this time. 28 U.S.C. §2675(a).

8. On or about December 30, 2020, Plaintiff, HENRY LEO JIMENEZ, occupied a motor vehicle which was stopped at a red light as the intersection of NE 18th Ave and NE 8th Street in Homestead, Miami-Dade County, Florida.

9. At that time and place, Chanel Thomas Cowart was operating a motor vehicle owned by the USPS within the course and scope of her employment with the USPS.

10. The USPS is an agency and instrumentality of the UNITED STATES OF AMERICA.

11. The UNITED STATES OF AMERICA is liable for damages caused by the negligent acts or omissions of USPS employees while acting within the course and scope of their employment with the USPS.

12. The UNITED STATES OF AMERICA is liable for damages caused by the negligent acts or omissions of Chanel Thomas Cowart while acting within the course and scope of her employment with the USPS.

13. At that time and place, Chanel Thomas Cowart negligently operated the motor vehicle, such that it collided into the car in which Plaintiff, HENRY LEO JIMENEZ, was driving.

14. As the direct and proximate result of the negligence of Chanel Thomas Cowart, Plaintiff, HENRY LEO JIMENEZ, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing

condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged and he lost the use of it during the period required for its repair or replacement.

WHEREFORE, Plaintiff, HENRY LEO JIMENEZ, demands judgment for damages against Defendant, UNITED STATES OF AMERICA.

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted this 21st day of March, 2022.

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